Scott. II-37—50,000—27-10-41.

Home (1942) Department.

MS. SERIES.

D 9/12

G.O. No. 370-S

Dated the 24th November 1942

[Despatch Abstract.]

Lunatics- Criminal- Bellary District- Barka Linga, accused in P.R.11/42 on the file of the Stationary Sub-Magistrate, Bellary- Detention in the Mental ~~Ma~~ Jail, Cuddalore, Report under Section 466 (2) Cr.P.C., Recorded

13268 E

C.F. 32 (a).

Magisterial DEPARTMENT.

In reply, please quote number, date and short title.*

Received _____ Registered _____

JOINT SECRETARY 17 NOV 1942 HOME DEPARTMENT

From (Name) I.M. Fraser Esq., I.C.S.,

(Designation) District Magistrate

Post Box _____, (Station) _____

Telegraphic Address _____

UNDER SECRETARY TO GOVERNMENT 17 NOV 1942 HOME DEPT.

JOINT SECRETARY TO GOVT 18 NOV 1942 HOME DEPARTMENT

To

The Secretary to Government,
Home Department, MADRAS.

Roc. No. 1031/42 E-1, dated 14-11-1942

Sir,

ENCLOSURES 10 pages

SPARE COPIES

Lunatics - Criminal - Bellary taluk - Barika Linga, accused in P.R. 11/42 on the file of the Stationary Sub Magistrate, Bellary - Detention in the Mental Hospital, Cuddalore.

In P.R. 11/42 on the file of the Stationary Sub Magistrate, Bellary, Barika Linga of Sirivaram Sirivaram village was charged by the police of the Bellary Taluk under Section 302 I.P.C. as it was alleged that he caused the death of his wife on 13-8-1942 by inflicting multiple injuries on her with a sharp edged weapon. The Assistant District Medical Officer, Bellary examined him and is of the opinion that he is a lunatic. The Stationary Sub Magistrate, Bellary, has passed an order under Section 466(2) Cr.P.C. directing the detention of the lunatic in the Mental Jail, Cuddalore. A copy of each of the following documents is submitted:

P.3 mfr

(a)

(a) the judgment of the court i.e., order under section 466(2) Cr.P.C.
(b) deposition of the medical witness;
(c) medical history sheet and certificate.

2. The Superintendent, Mental Jail, Cuddalore, has reported that there is accommodation in his jail. The Stationary Sub Magistrate, Bellary has made necessary arrangements for the despatch of the lunatic. The Superintendent of the Jail is being requested to make arrangements for receiving the lunatic and, on receipt of his reply, the lunatic will be despatched.

For District Magistrate.

P.S. 16/11.

Home Deptt.

Lunatic – criminal – Bellary District – Bankeralinga – accused in P.R. 11/42 on the file of the Stationary Sub-Magistrate, Bellary – Detention in the Mental ~~Hospital~~ Jail, Cuddalore – Report under Sec 466 (2) Cr.P.C – Recorded.

Read Letter from the DC Magistrate Bellary dated Ref R.O.C. No. 1031/42 E-1 dated 14-11-42

Order No 370-S dated 24/11/42

Recorded

To
The D.M. Bellary
The I. G. of Prisons.

15

In the court of the Sty.Sub Magistrate, Bellary.

P.R.No. 11/42.

ORDER UNDER SECTION 466 (2) Cr.P.C.

Barika Linga, a lunatic of Sirivaram village, Bellary Taluk murdered his wife by inflicting multiple injuries on her with a sharp edged weapon. As this court has reason to believe that the accused is of unsound mind and incapable of making his defence, he was sent to the District Medical Officer, Bellary for observation and examination. The Asst. District Medical Officer, kept him under observation from 16-8-42 to 8-9-42 and came to the conclusion that he is a lunatic. I examined the Asst. District Medical Officer on oath. He filed the Medical history sheet and the Medical certificate containing his opinion that the accused is a lunatic. He swears that the accused is of unsound mind and consequently incapable of making his defence. In view of the opinion of the Asst. District Medical Officer, I find that the accused is a lunatic and that he, by reason of unsoundness of mind, is incapable of making his defence. I therefore order under sec. 466 (2) Cr.P.C. that he be detained in the Mental Jail, Cuddalore until such time he is cured of his lunacy. The proceedings in the case will be post-poned.

Sd.M.Adikesavulu
5-11-42
Sty.Sub Magistrate, Bellary.

(True copy)

M. Adikesavulu
6/11/42

M.S.

Sty.Sub Magistrate.

C. M. 128

DEPOSITION OF WITNESS.

(Chapter XXV, Code of Criminal Procedure.)

IN THE COURT OF the Sty.Sub Magistrate, Bellary.

Calendar – – – –
Miscellaneous – – – –
Preliminary Register – – – –
Sessions – – – –

Case No. P.R.No.11 of 1942.

Deposition of witness for { Prosecution / Defence / Court

Village, Taluk } Bellary
Caste Thelaga
Calling Asst.D.M.O
Religion Hindu
Age 32

Name P.Sitaramayya
Father's name P.Pullaiah Naidu

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the day of 194 .

I am the Asst.District Medical Officer, Bellary. On 15-8-42, the Sty.Sub Magistrate, Bellary sent the accused to the hospital with a requisition to the District Medical Officer stating that the accused is a lunatic and that he may be kept under observation. From 15-8-42 to ~~8~~ 8-9-42 the accused was kept in the hospital under observation. I observed him during that period. From my observation I am of the opinion that the accused is a lunatic. He sits up in his bed huddles in his blanket with his head bent, self absorbed, dejected and unmindful of his environment with tears in his eyes now and then with the corner of his mouth drawn open. He has a vacant look. He has no memory of past events, and replies to queries in a depressed tone almost in semi whispers. He walks huddled up in his blanket with the body bent, head bowed, and back bent, unmindful of his pent up nasal discharge trickling down his mustash and flies sitting on his face. He is not upset in the least when he is informed that his wife is dead, but he pleads that she is safe at home. He does not untidy his room, sleeps fairly well, uses the bed pans and takes food. He does not ask for food or bath and is unmindful of his dirty clothes. His temperature was sub-normal throughout his stay in the hospital.

The Supplementary sheet attached to the " Medical History Sheet for Lunatics " was prepared by me. I signed it. I granted a medical certificate with regard to the accused. The supplementary sheet is Ex.A and the medical certificate is Ex.B.

The accused by reason of unsoundness of mind is incapable of making his defence.

(Sd) P. Sitharamaiah
24-9-42

(True copy)

Sd. M. Anikesavulu
24-9-42
Sty. Sub Magistrate.

M. Anikesavulu
5/11/42

Sty. Sub Magistrate.
Bellary.

23

MEDICAL HISTORY SHEET—*concluded.*

SUPPLEMENTARY.

N.B.—Information under the following headings should be afforded in all cases in which the Government may be moved under the provisions of the Criminal Procedure Code, or the Prisoners' Act, 1900, either to order the confinement of a lunatic in an Asylum or Jail, or his discharge therefrom :—

23. Whether civil or criminal lunatic and date of admission to Asylum (in cases sent up for orders of Government under sections 474 and 475, Criminal Procedure Code).	Criminal 16-8-42
24. If Criminal, the offence with which charged.	Murder of his wife.
25. Type of insanity.	Melancholia
26. Is lunatic capable of—	
(*a*) Taking care of himself ?	Yes.
(*b*) Earning a livelihood ?	No.
27. Is release on security recommended ?	
28. If so, what amount should be demanded and what are the names, social position, character and relationship to lunatic of the sureties ?	

Bellary.
5th September 1942.

Sd. P. Sitharamiah
M.B.B.S.,
Asstt: Dist. Medl. Officer,
Bellary.

PR 11/42
Ex. A.

(True copy)

M. Adikesavulu
Sty. Sub Magistrate. 6/11/42

M.S.

Surgeon.

LUN. ACT 8—1,522—17-12-40.

MEDICAL HISTORY SHEET FOR LUNATICS.

G.O. No. 1236, *Judicial, dated 27th May* 1914.

This Medical History Sheet shall be prepared by the Superintendent of the Asylum in cases where the discharge of a person from the Asylum is in question and by the Medical Officer who prepared the certificate of insanity in Form 3 of Schedule to the Indian Lunacy Act, 1912, in cases where such a certificate is given. In the cases of persons acquitted by Criminal Courts on the ground of insanity at the time of the commission of the crimes charged, the Medical History Sheet will be prepared by the acquitting Court in communication, if necessary, with a Medical Officer. In all cases the information required to fill in headings 27 and 28 may generally be obtained from the District Magistrate or the Commissioner of Police, Madras.

(If any of the particulars in this statement be not known, the fact to be so stated.)

1. Name of patient in full, and caste or race.	Barika Linga, Barika, Hindu.
2. Name of patient's father	Barika Laxmappa.
3. Sex and age of patient.	Male aged 45 years.
4. Marks whereby the patient may be identified.	1. Two moles on the chest. 2. A wound scar on the back. 3. A wound scar on the left leg just below the knee.
5. Married, or single or widowed.	Married.
6. Condition of life and previous occupation (if any).	He was doing carpentry work.
7. Religion	Hindu.
8 Place of birth and recent place of abode.	Sirivaram, Bellary District, Sirivaram.
9. Whether homeless or living with relatives or friends (with address of nearest relatives).	Was living with his wife (deceased) two children and mother. Brother, Barika Honnura. Mother Eramma.
10. Previous history and habits.	He was living as a carpenter with temporate habits.
11. State of bodily health.	Good

MEDICAL HISTORY SHEET—*continued.*

12. Whether any member of patient's family has been or is affected with insanity.	No
13. Whether the attack is the first attack of insanity or not.	He had an attack of insanity about two years prior and was cured by native medicine.
14. Age (if known) at onset of first attack.	About two years back and was cured.
15. Duration and nature of any previous attacks.	He was insane for a period of two months, he was behaving like an insane weeping, grining, wild look at times sitting quiet for hours.
16. Duration of existing attack.	15 days prior to the offence.
17. Symptoms exhibited.	Weeps, grins, has a wild look at times and sits quiet at times.
18. Supposed cause of insanity.	Not known.
19. Supposed exciting cause of present attack.	Not known.
20. Whether subject to epilepsy.	No.
21. Whether suicidal.	No.
22. Whether dangerous to others.	Yes. He mardered his wife with a carpenters implement and attacked several and injured a child.

Lun. Act 3.

FORM 5.

MEDICAL CERTIFICATE.

(See Sections 18 and 19, Act IV of 1912).

In the matter of Barika Linga of Bellary taluk, in the town of Sirivaram (or the subdivision of Bellary) in the district of Bellary alleged lunatic.

I, the undersigned, P.Sitaramaiah,M.B.B.S., Asst.Dist.Medl.Officer,Bellary. do hereby certify as follows:-

1. I am a gazetted Medical Officer and I am in the actual practice of the medical profession.

2. On the fifth day of September 1942 at the Government Headquarters Hospital, Bellary in the town of Bellary (or the subdivision of Bellary of the district of Bellary (separately from any other practitioner), I personally examined the said Barika Linga and came to the conclusion, that the said Barika Linga is a lunatic a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:-

(a) Facts indicative of insanity observed by myself, viz.:-

P.R. 11/42.

Ex.B.

He always sits up in his bed huddled in his blanket with his head bent, self absorbed and dejected unmindful of his environment with tears in his eyes now and then, with his corner of the mouth drawn, has a vacant look.

He walks huddled up in his blanket with the body bent, head bowed and back bent unmindful of his pent up nasal discharge trickling down his moustache and the flies sitting on his face.

He has no memory of past events and replies to queries in a depressed tone almost in a semi whispers.

He is not upset in the least when he is informed that his wife is dead but he pleads that she is safe at home.

~~(b) Other facts (if any) indicating insanity communicated to me by others:-~~

He does not untidy his room, sleeps fairly well and uses the bed-pans and takes food. Does not ask food or bath and is unmindful of his dirty clothes.

(b) Other facts (if any) indicating insanity communicated to me by others:-

His temperature is subnormal through out his stay in hospital.

Vide Medical history sheet for lunatics.

Place. Bellary.
Date. 5th Sept. 1942.

Rank. P.Sitharamiah
M.B.B.S.,
Asstt.Dist.Medl.Officer,Bellary.

(True copy)

M. Adikesavulu
6/11/42

M.S.

Sty.Sub Magistrate.